R E M A R K S

Claims 1 through 26 are in the application, with claims 1, 2, 4-8, 10, 11, 13, 14, 16-20, 22, 23, and 25 having been amended. Claims 1, 13, 23, and 25 are the independent claims herein. No new matter has been added. Reconsideration and further examination are respectfully requested.

Objections

The abstract has been amended in accordance with the Examiner's helpful suggestion.

Claim Rejections

Claims 1-26 are rejected under 35 U.S.C. §112 second paragraph. Claims 1-26 are rejected under 35 U.S.C. 101. Claims 1-10 and 12-25 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,877,088 ("Dice"). Claims 11 and 26 are rejected under 35 U.S.C. §103(a) as being unpatentable over Dice in view of U.S. Patent No. 6,134,660 ("Boneh"). Reconsideration and withdrawal of the rejections are respectfully requested.

§101 rejections

Claims 1, 13, 23, and 25 have been amended to include performing a function which provides a useful and concrete result. Withdrawal of the section 101 rejections is respectfully requested.

§112 rejections

The Office Action states that claims 1-26 are indefinite. Applicant respectfully points out that support for claims 1-26 may be found in the specification at page 3 line 23 to page 4 line, 10, page 4, lines 18 – 24, and page 6 lines 5 – 14. Withdrawal of the section 112 rejections is respectfully requested.

§102 rejections

Amended independent claim 1 recites a method directed to determining via a plurality of flags stored at a PCI device that the PCI device is to perform a first function. The PCI device is shared with a first software component associated with the first function and a second software component associated with a second function, and the plurality of flags comprise a first component flag to indicate free or busy, a second component flag to indicate free or busy, and a turn flag to indicate the first component or the second component. The method further discloses setting the first component flag to busy, setting the turn flag to first component, and performing the first function when the second software component is not using the PCI device. The first function may access the PCI device if either the second component flag is set to free or if the turn flag is set to first component.

The art of record is not seen to disclose or suggest the above mentioned features of amended independent claim 1, in particular, the art of record cannot be seen to disclose or to suggest determining via a plurality of flags stored at a PCI device that the PCI device is to perform a first function, wherein the plurality of flags comprise a first component flag to indicate free or busy, a second component flag to indicate free or busy, and a turn flag to indicate the first component or the second component wherein the first function may access the PCI device if either the second component flag is set to free or if the turn flag is set to first component.

Dice discloses a speculation indicator associated with a memory location to control speculative reordering and execution of instructions. When a processor speculatively reorders and executes all instructions such as loads and stores that can be speculative executed, even in situations where a read-after-write hazard or other memory violation occurs the process must consume resources such as processing cycles and memory bandwidth to recover from memory violation. The speculation indicator is set by a speculative execution controller that controls speculative execution of instructions in the processor by allowing or not allowing the processor to speculatively reorder and execute instruction sequences depending upon the value of the speculation indicator set. Accordingly, Dice only discloses an indicator to prevent memory violations but nowhere does Dice disclose or suggest that the speculation indicator controls what function the processor will perform.

The remaining art of record has been reviewed and cannot be seen to remedy the foregoing deficiencies in Dice. In view of the foregoing, nowhere can Dice be seen to disclose or to suggest determining via a plurality of flags stored at a PCI device that the PCI device is to perform a first function, wherein the plurality of flags comprise 1) a first component flag to indicate free or busy, 2) a second component flag to indicate free or busy, and 3) a turn flag to indicate the first component or the second component wherein the first function may access the PCI device if either the second component flag is set to free or if the turn flag is set to first component.

Amended independent claims 13, 23, and 25 recite similar limitation to amended independent claim 1. Therefore, amended independent claims 13, 23, and 25 and their related dependent claims are believed to be in condition for allowance.

C O N C L U S I O N

The outstanding Office Action presents a number of characterizations regarding the applied references, some of which are not directly addressed by this response. Applicant does not necessarily agree with the characterizations and reserve the right to further discuss those characterizations.

For at least the reasons given above, it is submitted that the entire application is in condition for allowance and such action is respectfully requested at the Examiner's earliest convenience. Alternatively, if there remains any question regarding the present application or any of the cited references, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-4982.

Respectfully submitted,

April 17, 2007   /RSF/
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